

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

JACK P. KATZ, on behalf of himself and all	)	
others similarly situated,	)	
	)	
Plaintiff,	)	
	)	Case No. 08-CV-4035
v.	)	Judge Darrah
	)	
ERNEST A. GERARDI, JR., et al.,	)	
	)	
Defendants.	)	

**CERTAIN DEFENDANTS' UNOPPOSED MOTION FOR LEAVE  
TO FILE BRIEF EXCEEDING 15 PAGES**

Defendants Archstone (formerly Archstone-Smith Operating Trust), Tishman Speyer Archstone-Smith Multi-Family Series I Trust (successor by merger to Archstone-Smith Trust), Lehman Brothers Holdings Inc., and Tishman Speyer Development Corporation (collectively, "Defendants") respectfully request that this Court grant Defendants leave to file a brief not to exceed 25 pages in Response to plaintiff's Motion to Remand, due August 25, 2008. In support, Defendants state:

1. Defendants will jointly file a Response to the plaintiff's Motion to Remand in this matter. The Response is due August 25, 2008.
2. Defendants will need to file a Response that will not exceed 25 pages.
3. Defendants' Response will address various issues, including, inter alia, plaintiff's contention that the Class Action Fairness Act of 2005 does not allow removal to federal court of certain state court actions alleging violations of the Securities Act of 1933. The requested extension of the page limitation is necessary to address all elements of the Response to the Motion to Remand.

4. Rather than filing separate Response briefs for each defendant, the Defendants' Response to the Motion to Remand will be filed jointly on behalf of four named defendants, which in itself will result in a reduction of the briefing volume requiring the Court's consideration. This is so even if Defendants' Response is 25 pages rather than 15 pages.

5. Plaintiff's counsel, Christopher J. Stuart, does not oppose the requested extension of the page limitation.

6. This motion is brought in good faith, and Defendants will make every effort to keep their Response as concise as possible.

WHEREFORE, Defendants respectfully request that this Court grant Defendants' Unopposed Motion for Leave to File a Brief Exceeding Fifteen Pages.

Dated: August 1, 2008

Respectfully submitted,

By: /s/ Jeffery S. Davis  
*One of the attorneys for Defendants Archstone-Smith Operating Trust, Archstone-Smith Trust, Lehman Brothers Holdings Inc., and Tishman Speyer Development Corporation*

Christopher Q. King (6189835)  
Steve Merouse (6243488)  
Jeffery S. Davis (6277345)  
SONNENSCHN NATH & ROSENTHAL LLP  
7800 Sears Tower  
Chicago, IL 60606  
Phone: (312) 876-8000  
Fax: (312) 876-7934

**CERTIFICATE OF SERVICE**

I hereby certify that on August 1, 2008, I electronically filed the preceding with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following and, in addition, served the following by U.S. Mail and email on August 1, 2008:

Kenneth A. Wexler  
Edward A. Wallace  
Christopher J. Stuart  
Melisa Twomey  
Wexler Toriseva Wallace LLP  
55 W. Monroe Street  
Suite 3300  
Chicago, IL 60603

Lee Squitieri  
Squitieri & Fearon, LLP  
32 E. 57th Street  
2<sup>nd</sup> Floor  
New York, NY 10022

/s/Jeffery S. Davis